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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,323	07/31/2003	Vito Fabbriozio	850063.603RI	3362
30423 7590 03/24/2009 STMICROELECTRONICS, INC. MAIL STATION 2346 1310 ELECTRONICS DRIVE CARROLLTON, TX 75006				
EXAMINER				
HIRL, JOSEPH P				
ART UNIT		PAPER NUMBER		
2129				
MAIL DATE		DELIVERY MODE		
03/24/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/631,323

**Applicant(s)**

FABBRIZIO ET AL.

**Examiner**

Joseph P. Hirl

**Art Unit**

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-24 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/CIS)  
Paper No(s)/Mail Date 5/19/5  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-24 are pending in this reissue application.

#### ***Reissue Rejection***

2. The new claims primarily differ from the claim set of parent patent, USPN 6,269,352 by the terminology of the preamble. Applicant in the Remarks, dated July 31, 2003, did not provide any comments why MPEP 211.02 II would not apply. Hence, the Examiner's position that such claims (7, 10-13, 16-19 and 22-24) have preambles that are mere statement of purpose. Hence, in the examination, such claims are evaluated on the body of the claim and the preamble is ignored. Applicant has chosen to delete "neuron stage coupled to the synaptic weighting elements" in the limitations of 7 and 13 with modification to the "conductance" limitation by coupling to the synaptic weighting elements. A neuron stage as defined in the specification (c:30-34) merely functions as a comparator. Hence the removal of the limitation "a neuron stage coupled to the synaptic weighting elements" actually did not remove any limitation since the immediately following limitation related to the comparing circuit is actually a neuron stage by the terminology of the specification. The other changes identified in the Remarks, dated July 31, 2003, are of no substance in changing the limitations of the initial claim set. Hence, claims 1; 2; 3; 4, 5; and 6 related to claims 7, 13, 19; 8, 14, 20; 9, 15, 21; 10, 16, 22; 11, 17, 23; 12, 18, 24; respectively. The Examiner finds no

substantive differences in limitations between the claim set of USPN 6,269,352 and the instant claim set that adds claims 7-24. The Examiner further notes that the submitter IDS of the reissue application is the same as the IDSs of USPN 6,269,352.

The Reissue Application Declaration by the Inventor cites the original patent as being wholly or partly inoperative or invalid by reason of the patentee claiming more or less than he had a right to claim in the patent. Applicant has not stated that the reissue is a broadening reissue matter but applicant did state: The claims are unduly limiting because of the recitation of "neural" in the preamble.

It is the opinion of the Examiner that the initial claim set characterize a neural network without the recitation of "neural" in the preamble. Hence, the applicant's statement is in essence without meaning since the claims limit to a neural network notwithstanding the use of the term "neural" in the preamble.

Therefore, since applicant has not identified any errors of substance and since the proposed changes are in fact the original set of claims, the instant application is rejected based on "lack of reissuable" error under 35 USC 251.

### ***Correspondence Information***

3. Any inquiry concerning this information or related to the subject disclosure should be directed to the Primary Examiner, Joseph P. Hirl, whose telephone number is (571) 272-3685. The Examiner can be reached on Monday – Thursday from 4:00 a.m. to 3:30 p.m.

As detailed in MPEP 502.03, communications via Internet e-mail are at the discretion of the applicant. Without a written authorization by applicant recorded in the applicant's file, the USPTO will not respond via e-mail to any Internet correspondence which contains information subject to the confidentiality requirement as set forth in 35 U.S.C. 122. A paper copy of such correspondence will be placed in the appropriate patent application. The following is an example authorization which may be used by the applicant:

Notwithstanding the lack of security with Internet Communications, I hereby authorize the USPTO to communicate with me concerning any subject matter related to the instant application by e-mail. I understand that a copy of such communications related to formal submissions will be made of record in the applications file.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David R. Vincent can be reached at (571) 272-3080.  
Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,  
Washington, D. C. 20231;

Hand delivered to:

Receptionist,  
Customer Service Window,  
Randolph Building,  
401 Dulany Street,  
Alexandria, Virginia 22313,

(located on the first floor of the south side of the Randolph Building);

or faxed to:

(571) 273-8300 (for formal communications intended for entry).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/Joseph P. Hirl/  
Primary Examiner, Art Unit 2129  
March 17, 2009